

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119,**  
**Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**April 14, 2014 @ 1:30 p.m.**

**Call to Order**

**Chair Hess** called the meeting to order at 1:31 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

**Roll Call**

**PRESENT**

Paula Hess  
Michael Gravesen  
Ken Chandler  
Stephen Vieira  
Paul Bigness

**ABSENT**

**ATTENDING**

Joshua Moye, Assistant County Attorney  
Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of March 10, 2014 were approved as circulated.

**ANNOUNCEMENTS**

Upon administering of the oath, the meeting commenced.

PETITIONS

**Z-14-02-02                      Quasi-Judicial                      Commission District I** An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD. This is a major modification of an existing PD to revise the site plan and conditions of approval; for property located north of Turbak Drive, south of Peace River Shores Boulevard, east of Cobalt Boulevard and west of Duncan Road (US 17), in the Punta Gorda area, containing 138.32± acres; Commission District I; Petition No. Z-14-02-02; Applicant: TAG Consultants, LLC; providing an effective date.

**Staff Presentation**

**Jie Shao, Planner III**, presented the findings and analysis of the petition with a recommendation of Approval, based on the reasons stated in the staff report dated April 1, 2014, giving brief details of the project, and a history of prior changes to the zoning. Subsequent to the former PD approval, scrub jays were located on the property and the overall plan needed to change to accommodate this finding. The residential development will now be for manufactured homes and the density will be reduced from 351 units to 303, enlarging the habitat area available for wildlife; about two acres of the site will be dedicated to outdoor storage uses for the residents. She noted that the staff report includes conditions a through z, and that the applicant accepts the conditions.

**Ms. Shao** also briefly described calls she had received from neighboring property owners, specifically asking about the type of structures intended to be placed on the property; she showed some picture of units in the developer's other project, Ventura Lakes, illustrating the home types.

**Questions for Staff**

None.

**Applicant's Presentation**

**Geri Waksler, Esq.**, applicant's agent, spoke in support of the project, which is a request for a major modification to the original PD, granted in 2006. She also described the changes required once the protected species (scrub jays) had been identified as using the site. The change to MHC was to maintain an economically viable density on the site, as well as being respectful to the listed species there. She spoke to the differences between "mobile homes" and "manufactured homes", particularly the improvements in such dwellings owing to modern regulations. This developer's prior project went thru H. Charley without sustaining damage. Because the proposed modification decreases density from the originally-approved 351 units to 303, with 51% of the site reserved to open space, a number of other metrics will also become more favorable – less traffic, less pressure on schools from this Over-55 community, etc.

**Chair Hess** noted that the project will still need a Transfer of Density Units (TDU) and approval for that from the BCC. She asked for more information about the manufactured home which Ms. Waksler provided. Further discussion ensued on this subject.

**Mr. Chandler** asked about the tie-ins from roof to building; **Ms. Waksler** invited developer Dave Anthony to the podium to respond to the technical questions. **Mr. Anthony** indicated the hurricane straps/brackets are the same as for site built homes, and also provided other information about these standards. **Mr. Chandler** also asked about wind velocity resistance; **Mr. Anthony** indicated they exceed 130 mph, meeting the Dade County Building Code and that accessory structures are also built to site-built home standards. **Mr. Vieira** spoke in support of the strength of these structures in resisting H force winds.

**Mr. Vieira** asked Ms. Waksler the ratio of acres set aside for scrub jay impact was determined; **Ms. Waksler** indicated that it takes into account all the actual scrub jay area plus there is (by Federal standards) additional acreage required as mitigation for the impacts. The permit request is in the works with the US Fish and Wildlife Service, but not yet issued.

**Mr. Bigness** asked if there was an estimate as to increase in property tax that this project represents; **Mr. Anthony** noted that the structures were taxed differently because they are registered and taxed like RVs, and noted that the Ventura Lakes property taxes amount to over \$200,000. **Mr. Bigness** commented on the benefits of this project to the County; asked whether the target market was 55+; **Mr. Anthony** responded affirmatively.

**Chair Hess** noted that intentions for the prior development, before the scrub jays were discovered, was for conventional homes, both attached and detached, so having the listed species did result in less tax for the County. Ms. Waksler noted that the commercial portion of the project remains.

**Mr. Olivo** stated that he didn't see a mention of the 55+ nature of the project in the documentation; **Ms. Waksler** said that was the intention and the applicant would accept a condition to make that explicit in the documentation. **Mr. Olivo** also asked if this would be considered a gated community; **Mr. Anthony** answered affirmatively. **Mr. Olivo** pointed out that if the plans should change and the community become opened up to under 55, it's important to note that conditions for buses are different in gated communities, where the buses cannot enter by Board policy, because they cannot make the tight turns. Further discussion ensued on this matter, and on Federal regulations regarding children and 55+ communities. **Chair Hess** confirmed with **Mr. Olivo** that even residents of 55+ communities pay taxes in support of the schools.

**Public Input**

**Mr. Dennis Goff** having been sworn, stated that he was a resident of Peace River Shores; he spoke about the various wildlife in this heavily wooded area adjacent to his home . He stated that he felt it was a shame to develop that, and that he would like to see a bigger buffer. **Chair Hess** asked about his concerns, which he said involved impacts on the wildlife; **Chair Hess** indicated the property has always been zoned to allow for development, which **Mr. Goff** acknowledged. Further discussion ensued on the issue.

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Vieira** with a unanimous vote.

**Discussion**

**Chair Hess** stated that this project does meet the requirements of the Comprehensive Plan; she briefly referenced the conditions, including the buffering, and stated that she agrees with the staff recommendation of approval. **Assistant County Josh Moya** indicated that there is now an added condition, "aa", to indicate the 55+ nature of the project.

**Recommendation**

**Mr. Vieira** moved that application Z-14-02-02 be sent to the Board of County Commissioners with a recommendation of *Approval with conditions a through z and the added condition that this be a 55+ community*, based on the findings and analysis in the staff report dated April 1, 2014, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**PA-13-12-14**

**Legislative**

**Countywide**

Pursuant to Section 163.3177(3)(b), 163.3187(4), and 163.3180(6)(g), Florida Statutes, adopt an ordinance to amend the Capital Improvements Element; this amendment will update the Capital Improvements Plan and the School Board 5 Year Working Plan; Petition No. PA-13-12-14; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**Staff Presentation**

**Elizabeth Nocheck, Planner II**, presented the findings and analysis of the petition with a recommendation of Approval, based on the reasons stated in the staff report dated December 27, 2014, giving brief comments on the purpose of the amendment in updating the existing Capital Improvements Element, Appendix III and CIE Appendix II. This is essentially a housekeeping issue.

**Questions for Staff**

**Chair Hess** asked what guided the amendments; have there been any changes in conditions or funding needed for these LOS. **Ms. Nocheck** responded that an annual update is required by the Comprehensive Plan and by Florida Statute. **Chair Hess** asked more specifically if the recent lawsuits had resulted in an increased requirement; **Mr. Cullinan** approached the podium to respond, noting that this is merely a required annual exercise. **Chair Hess** indicated that she was trying to find out if Levels of Service had changed; **Mr. Cullinan** responded that with the continued low levels of construction, the LOS remained adequate. Further discussion on concurrency issues ensued, including the impact on schools.

**Public Input**

*None.*

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Vieira** with a unanimous vote.

**Discussion**

**Chair Hess** called for comments; none being offered, she asked for the motion.

**Recommendation**

**Mr. Gravesen** moved that application PA-13-12-14 be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated December 27, 2014, along with the evidence presented at today's meeting, second by **Mr. Bigness** and carried by a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned at 2:04 p.m.